

TENTATIVE RULINGS

CIVIL / FAMILY LAW CASE MANAGEMENT CALENDAR

For: 12/28/09 Monday Dept: 1A

(Posted 12/23/09)

Tentative Rulings are proposed as orders to be issued at the hearing and are posted in advance for the convenience of the parties and their counsel. Any party objecting to the tentative ruling should promptly notify the opposing party of the substance of the objection with sufficient time to allow all parties, or their attorneys of record, to appear in person or by telephone at the scheduled hearing. Absent objection, the Court routinely adopts the tentative ruling as posted. Failures to appear, absent an order to appear, are deemed consent to the tentative ruling.

1. **1:00 PM** Case: CF8363 [M] MIDLAND FUNDING LLC v SLATER
Type: COLLECTIONS Date Filed: 12/17/08
Priority Info: RULE 3.740
Event: OSC RE: JUDGMENT UNDER CRC 3.740(f)

PLNTFF: MIDLAND FUNDING LLC ATTY: BRACHFELD & ASSOCIATES
DEFNDT: SLATER, BONNIE L
Service Date/Type: 01/20/09 PER 00 00 00

Tentative Ruling: This matter awaits entry of judgment. The matter is continued for further case management, if judgment enters in the interim the following date will be vacated, Dept 1A at 1:00 PM on 4/26/10.

2. **1:00 PM** Case: CF8370 [M] AMERICAN EXPRESS v RHODES
Type: COLLECTIONS Date Filed: 12/19/08
Priority Info: RULE 3.740
Event: OSC RE: JUDGMENT UNDER CRC 3.740(f)

PLNTFF: AMERICAN EXPRESS CENTURION BANK ATTY: MOORE LAW GROUP
DEFNDT: RHODES, KENT
Service Date/Type: 03/13/09 PER 00 00 00

Tentative Ruling: This matter awaits entry of judgment. The matter is continued for further case management, if judgment enters in the interim the following date will be vacated, Dept 1A at 1:00 PM on 4/26/10.

3. **1:00 PM** Case: CF8458 [M] CHARTER ADJUSTMENTS v GOERLITZ
Type: BREACH OF CONTRACT Date Filed: 02/17/09
Event: FURTHER CASE MANAGEMENT CONF-CIVIL

PLNTFF: CHARTER ADJUSTMENTS CORPORATION ATTY: STERNBERG, DONALD E. ESQ
DEFNDT: GOERLITZ, MATT J
Service Date/Type: 03/13/09 PER 00 00 00
DBA: SIERRA SUNWEAR

Tentative Ruling: This matter awaits entry of judgment. The matter is continued for further case management, if judgment enters in the interim the following date will be vacated, Dept 1A at 1:00 PM on 4/26/10.

4. 1:00 PM Case: CF8661 [M] FORD MOTOR CREDIT v D. PARKER ENTERPRISES
Type: COLLECTIONS Date Filed: 06/08/09
Priority Info: RULE 3.740
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED

PLNTFF: FORD MOTOR CREDIT COMPANY LLC ATTY: NELSON & KENNARD
DEFNDT: D. PARKER ENTERPRISES INC

Tentative Ruling: Plaintiff has not filed a proper proof of service as to all defendants. Plaintiff must file proof of service as to all defendants or file a declaration of good cause prior to the OSC re: Sanctions [CRC 3.740(e)] hearing in Department 1A at 1:00 PM on 4/26/10.

5. 1:00 PM Case: CF8671 [M] CITIBANK SOUTH DAKOTA v ROBERTS
Type: COLLECTIONS Date Filed: 06/11/09
Priority Info: RULE 3.740
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED

PLNTFF: CITIBANK SOUTH DAKOTA NA ATTY: HUNT & HENRIQUES
DEFNDT: ROBERTS, CORA L

Tentative Ruling: Plaintiff has not filed a proper proof of service as to all defendants. Plaintiff must file proof of service as to all defendants or file a declaration of good cause prior to the OSC re: Sanctions [CRC 3.740(e)] hearing in Department 1A at 1:00 PM on 4/26/10.

6. 1:00 PM Case: CF8672 [M] CITIBANK SOUTH DAKOTA v SILVA
Type: COLLECTIONS Date Filed: 06/11/09
Priority Info: RULE 3.740
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED

PLNTFF: CITIBANK SOUTH DAKOTA NA ATTY: HUNT & HENRIQUES
DEFNDT: SILVA, DAVID

Tentative Ruling: Plaintiff has not filed a proper proof of service as to all defendants. Plaintiff must file proof of service as to all defendants or file a declaration of good cause prior to the OSC re: Sanctions [CRC 3.740(e)] hearing in Department 1A at 1:00 PM on 4/26/10.

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7. 1:00 PM Case: CF8673 [M] CITIBANK SOUTH DAKOTA v SILVA
Type: COLLECTIONS Date Filed: 06/11/09
Priority Info: RULE 3.740
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED

PLNTFF: CITIBANK SOUTH DAKOTA NA ATTY: HUNT & HENRIQUES
DEFNDT: SILVA, DAVID E

Tentative Ruling: Plaintiff has not filed a proper proof of service as to all defendants. Plaintiff must file proof of service as to all defendants or file a declaration of good cause prior to the OSC re: Sanctions [CRC 3.740(e)] hearing in Department 1A at 1:00 PM on 4/26/10.

8. 1:00 PM Case: CF8857 [M] AMERICAN EXPRESS v VIRAMONTES
Type: COLLECTIONS Date Filed: 09/25/09
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PLNTFF: AMERICAN EXPRESS CENTURION BANK ATTY: ZWICKER & ASSOCIATES PC
DEFNDT: VIRAMONTES, LUCILA ATTY: IN PRO PER
Service Date/Type: 10/24/09 PER Answer Date: 11/23/09

Tentative Ruling: The case is At-Issue and is set for Trial in Dept. 2 approximately 120 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: ½ day court trial.

9. 1:00 PM Case: CV32531 [S] KROLL v FISCHER
Type: REAL PROPERTY Date Filed: 03/28/06
Event: TRIAL SETTING

PLF/XD: KROLL, GARY ATTY: RODMAN, KEVIN D. ESQ
DEF/XC: FISCHER, ELOISE ADA ATTY: FOLEY, KENNETH M ESQ
Service Date/Type: 04/26/06 PER Answer Date: 05/25/06
DEF/XC: NORFOLK, LYNETTE ANN ATTY: FOLEY, KENNETH M ESQ
Service Date/Type: 04/26/06 SUB Answer Date: 05/25/06

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 1A approximately 60 days out and for Trial in Dept. 1 approximately 90 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 2 day court trial.

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10. 1:00 PM Case: CV35250 [S] HOLLARS v HALL
Type: DECLARATORY RELIEF Date Filed: 11/20/08
Priority Info: 170.6 DVM/ RECLASS FROM CF8278
Event: TRIAL SETTING CONFERENCE-CIVIL

Related cases NOT on this calendar: CF8278 ,
PLF/XD: HALL, THEODORE FRANCIS ATTY: FOLEY LAW OFFICES, KENNETH M.
Service Date/Type: 00/00/00 Answer Date: 01/21/09
PLF/XD: CENTRAL SIERRA DEVELOPMENT CO INC ATTY: FOLEY LAW OFFICES, KENNETH M.
Service Date/Type: 00/00/00 Answer Date: 01/21/09
DEF/XC: HOLLARS, DONNA M. ATTY: MIKELICH, STEVEN G. ESQ
Service Date/Type: 10/21/08 PER Answer Date: 11/20/08

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 1A approximately 60 days out and for Trial in Dept. 1 approximately 90 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 2 day court trial.

11. 1:30 PM Case: CV33235 [S] MCMURTRY v HALL
Type: DISSOLUTION WITHOUT MINOR CHILD Date Filed: 11/29/06
Priority Info: MSE 3/21/2008
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: MCMURTRY, JUDITH A. ATTY: AIROLA & AIROLA
RESP: HALL, ROBERT D. ATTY: WHITE, BLAIR M. ESQ
Service Date/Type: 11/30/06 ACK Answer Date: 06/04/07

Tentative Ruling: There is a settlement and the house is listed for sale. If a final Judgment (FL-180) on all issues is on file prior to the next Case Management hearing the Case Management hearing will be vacated. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 4/26/10.

12. 1:30 PM Case: CV34484 [S] PATTON v BUTTON
Type: LEGAL SEPARATION WITH MINOR CHILD Date Filed: 03/05/08
Priority Info: CONS W/CV34979 - CV34484 LEAD
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: CV34673 , CV34979 ,
PETNR: PATTON, KRISTEN N. ATTY: IN PRO PER
RESP: BUTTON, RANDY T. ATTY: SALAZAR, ANTHONY T. ESQ

Tentative Ruling: Respondent is ordered to prepare to submit a proposed Judgment on child custody. Petitioner and Respondent are ordered to serve and file Preliminary Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 4/26/10.

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13. 1:30 PM Case: CV34976 [S] AVILA v AVILA
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 08/08/08
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: CV25292 ,
PETNR: AVILA, VICTOR A ATTY: IN PRO PER
RESP: AVILA, JENNIFER J

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and First Amended Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 3/29/10.

14. 1:30 PM Case: CV35076 [S] ENGEL v ENGEL
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 09/16/08
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: CV35082 ,
PETNR: ENGEL, ALBERT O ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
RESP: ENGEL, BEATRICE V ATTY: CILENTI, STEVEN ESQ
Service Date/Type: 09/17/08 PER Answer Date: 10/09/08

Tentative Ruling: This matter may be concluded by filing a Marital Settlement Agreement ("MSA") signed by the parties attached to the Judgment (FL-180). Respondent is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 3/29/10.

15. 1:30 PM Case: CV35496 [S] KATEN v KATEN
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 02/18/09
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: KATEN, PAMELA A ATTY: IN PRO PER
RESP: KATEN, EDWARD M

Tentative Ruling: The parties are not divorced. The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 3/29/10.

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16. 1:30 PM Case: CV35500 [S] BAKER v BAKER
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 02/19/09
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: BAKER, MARTINIQUE ATTY: IN PRO PER
RESP: BAKER, NATHAN ATTY: IN PRO PER
Service Date/Type: 09/24/09 PER Answer Date: 10/27/09

Tentative Ruling: Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Thereafter, Petitioner and Respondent are ordered to serve and file Final Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 3/29/10.

17. 1:30 PM Case: CV35501 [S] PATTON v PATTON
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 02/19/09
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: CV31815 ,
PETNR: PATTON, MARYANN ATTY: IN PRO PER
J/PTY: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT
RESP: PATTON, KEVIN D
Service Date/Type: 02/19/09 PER 00/00/00

Tentative Ruling: The parties are not divorced. There are temporary custody and support orders. Petitioner and Respondent are ordered to serve and file Preliminary Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 4/26/10.

18. 1:30 PM Case: CV35571 [S] NEWTON v ENGLAND
Type: NULLITY WITHOUT MINOR CHILDREN Date Filed: 03/23/09
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: F4544 ,
PETNR: NEWTON, TARA Y. ATTY: IN PRO PER
RESP: ENGLAND, DANIEL RAYMOND FERRALL

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 4/26/10.

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19. 1:30 PM Case: CV35999 [S] BOULWARE v BOULWARE
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 08/25/09
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: BOULWARE, JACOB MITCHELL ATTY: IN PRO PER
RESP: BOULWARE, BRANDIE ANN

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. (POS indicates a document other than the Petition was served) The court cannot proceed with any orders until Proof of Service is filed. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 3/29/10.

20. 1:30 PM Case: CV36001 [S] SMITHERS v SMITHERS
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 08/25/09
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: SMITHERS, BRIDGET ATTY: IN PRO PER
RESP: SMITHERS, RICHARD P.
Service Date/Type: 09/12/09 PER 00/00/00

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 1:30 PM on 3/29/10.

21. 1:30 PM Case: CV36004 [S] BRUEGEL v BRUEGEL
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 08/25/09
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: BRUEGEL, JOAN E. ATTY: IN PRO PER
RESP: BRUEGEL, DAVID E. ATTY: IN PRO PER
Service Date/Type: 09/09/09 PER 00/00/00

Tentative Ruling: There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 1:30 PM on 4/26/10.

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22. 1:30 PM Case: CV36010 [S] FILKINS v WRIGHT
Type: ESTABLISH PARENTAL RELATIONSHI Date Filed: 08/26/09
Priority Info: CONFIDENTIAL
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

Related cases NOT on this calendar: CV35131 ,
PETNR: FILKINS, SCOTT E ATTY: IN PRO PER
RESP: WRIGHT, DURRONNA
Service Date/Type: 08/27/09 PER 00/00/00

Tentative Ruling: Respondent has not filed a Response (FL-220) to the petition. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 3/29/10.

23. 1:30 PM Case: CV36012 [S] GILLETTE v GILLETTE
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 08/27/09
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

Related cases NOT on this calendar: CV29494 ,
PETNR: GILLETTE, SERENA ATTY: IN PRO PER
RESP: GILLETTE, MAXWELL
Service Date/Type: 08/27/09 PER 00/00/00

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 1:30 PM on 3/29/10.

24. **2:30 PM** Case: CV34754 [S] BAKER v BAKER
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 05/30/08
Priority Info: STATUS ONLY JGMT; MSE 9/21/09
Event: FURTHER SETTLEMENT CONFERENCE

PETNR: BAKER, CLAYTON R ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
RESP: BAKER, DENISE L ATTY: AIROLA & AIROLA
Service Date/Type: 06/16/08 PER Answer Date: 06/30/08
CLAMNT: CALPERS

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

25. 2:30 PM Case: CV35276 [S] SOUZA v SOUZA
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 12/02/08
Event: SETTLEMENT CONFERENCE/TRIAL SETTING

Related cases NOT on this calendar: CV36238 ,
PETNR: SOUZA, LORA ATTY: IN PRO PER
RESP: SOUZA, WARD ATTY: IN PRO PER
Service Date/Type: 12/04/08 PER Answer Date: 12/26/08

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.